

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PHYLLIS H. WITCHER,

Plaintiff,

v.

C. A. No. 07-213***

MURRAY H. WITCHER, JR.,

Defendant.

U.S. DISTRICT COURT
CLERK'S OFFICE
WILMINGTON, DELAWARE
2007 JUL 24 PM12:51

ORDER

At Wilmington this 24th day of July, 2007.

On July 20, 2007, plaintiff mailed a motion for extension of time to respond to defendant's motion to dismiss the complaint in which she requested an extension of seven (7) days. Defendant filed his motion to dismiss on July 2, 2007 and according to the service notice forwarded a copy of the motion by first class mail to plaintiff. D.I. 8. Under D. Del. LR 7.1.2(b), the time computed when a motion is served by mail is consistent with Federal Rule of Civil Procedure ("FRCP") 6(a) and (e). Pursuant to Rule 6(a), when the period of time prescribed or allowed is less than eleven days three days are added after the prescribed period. Further, holidays and weekends are not included in the time calculation. Since July Fourth, a federal holiday occurred within the time period, as well as two weekends, those dates are not included in the calculation. As a result, the court calculates that plaintiff's answering brief was due on July 20, 2007. Plaintiff requests an extension of an additional seven days, although it is not clear whether plaintiff is including the weekend within her request. In any event,

plaintiff's request for additional time is reasonable. Therefore,

IT IS ORDERED that plaintiff's motion is granted and her answering brief with exhibits, if any, shall be due on or before **August 1, 2007**.

/s/ Mary Pat Thyng

UNITED STATES MAGISTRATE JUDGE